

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACK  
ON SEPTEMBER 11, 2001

Civil Action No. 03 MDL 1570 (RCC)  
ECF Case

This document relates to:

*Ashton v. Al Qaeda Islamic Army*, Case No. 02-CV-6977  
*Burnett v. Al Baraka Inv. & Dev. Corp.*, 03-CV-9849  
*Continental Cas. Co. v. Al Qaeda*, 04-CV-5970  
*EuroBrokers Inv. V. Al Baraka Inv. & Dev. Corp.*, 04-CV-7279  
*New York Marine & Gen. Ins. Co. v. Al Qaida*, 04-CV-6105  
*World Trade Ctr. Props. LLC v. Al Baraka Inv. & Dev. Corp.*, (04-CV-7280)

**NOTICE OF MOTION TO DISMISS OF AFRICAN MUSLIM AGENCY, GROVE  
CORPORATE, INC., HERITAGE EDUCATION TRUST, INTERNATIONAL  
INSTITUTE OF ISLAMIC THOUGHT, MAR-JAC INVESTMENTS, INC., MENA  
CORPORATION, RESTON INVESTMENTS, INC., SAFA TRUST, STERLING  
CHARITABLE GIFT FUND, STERLING MANAGEMENT GROUP, INC., AND YORK  
FOUNDATION PURSUANT TO RULE 12(B)(6) FOR FAILURE TO STATE A CLAIM**

PLEASE TAKE NOTICE that pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and upon the memorandum of law attached hereto, the Defendants African Muslim Agency, Grove Corporate, Inc., Heritage Education Trust, International Institute of Islamic Thought, Mar-Jac Investments, Inc., Mena Corporation, Reston Investments, Inc., Safa Trust, Sterling Charitable Gift Fund, Sterling Management Group, Inc. and York Foundation (the "Moving Defendants"), by and through undersigned counsel, will move the Court, before the Honorable Richard C. Casey, U.S.D.J., at the United States District Court, Southern District of New York, 500 Pearl Street, New York, New York, 10007, on at a date and time to be determined by the Court, for an order dismissing all of the claims asserted against them in

*Ashton, Burnett, N.Y. Marine, Euro Brokers, Continental and World Trade Center* pursuant to Rule 12(b)(6) for failure to state a claim upon which relief can be granted.

Respectfully submitted,

Dated: October 21, 2005

By: /s/ Nancy Luque  
Nancy Luque (NL-1012)  
Jay Hanson (admitted *pro hac vice*)  
Steven K. Barentzen (SB-8777)  
DLA PIPER RUDNICK GRAY CARY US LLP  
1200 Nineteenth Street  
Washington, DC 20036-2247  
Tel: 202-861-3900  
Fax: 202-223-2085

*Attorneys for African Muslim Agency, Grove Corporate, Inc., Heritage Education Trust, International Institute of Islamic Thought, Mar-Jac Investments, Inc., Mena Corporation, Reston Investments, Inc., Safa Trust, Sterling Charitable Gift Fund, Sterling Management Group, Inc. and York Foundation*

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 21st day of October, 2005, I caused an electronic copy of the foregoing Notice Of Motion To Dismiss Of African Muslim Agency, Grove Corporate, Inc., Heritage Education Trust, International Institute Of Islamic Thought, Mar-Jac Investments, Inc., Mena Corporation, Reston Investments, Inc., Safa Trust, Sterling Charitable Gift Fund, Sterling Management Group, Inc. and York Foundation Pursuant To Rule 12(B)(6) For Failure to State a Claim to be served by the Court's electronic filing system upon all parties scheduled for electronic notice.

/s/ Steven K. Barentzen  
Steven K. Barentzen (SB-8777)